



McDonough Holland & Allen PC
Attorneys at Law

48



October 9, 2003

Michelle L. Samonek
Attorney at Law

Sacramento Office
916.444.3900 tel
916.325.4587 fax
msamonek@mhalaw.com

Mail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: Patent Application No. 10/623,432
For: Compositions Related to a Novel Endophytic Fungi
and Methods of Use
MH&A Reference No.: 34373-0007

Dear Sir/Madam:

Enclosed are the following:

- (1) Declaration for the above-referenced patent application signed by the inventors;
- (2) Check in the amount of \$65.00 to cover the cost to submit the Declaration after the initial filing of the patent application; and
- (3) Return postcard.

You are hereby authorized to charge Deposit Account No. 50-2767 any additional fees that may be required by this paper and to credit any overpayment to that account.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Michelle L. Samonek

MLS:kvp
Enclosure

118298v1 34373/0007

10/17/2003 SSESHE1 00000122 10623432
01 FC:2051 65.00 pp

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	34373/007
First Named Inventor	Strobel, G.
COMPLETE IF KNOWN	
Application Number	10/623,432
Filing Date	07/17/2003
Art Unit	
Examiner Name	

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Compositions Related to a Novel Endophytic Fungi and Methods of Use

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 07/17/2003 as United States Application Number or PCT International

Application Number 10/623,432 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 3]

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DECLARATION — Utility or D sign Patent Application

Direct all correspondence to: Customer Number
or Bar Code Label

OR



Correspondence address below

Michelle L. Samonek

Name

McDonough Holland & Allen PC

Address

555 Capitol Mall, 9th Floor

City

Sacramento

State

CA

ZIP

95814

Country

US

Telephone

(916) 444-3900

Fax (916) 444-8334

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR :



A petition has been filed for this unsigned inventor

Gary A.

Given Name

(first and middle [if any])

Strobel

Family Name
or SurnameInventor's
Signature

Date

8/29/03

Bozeman

MT

US

US

Residence: City

State

Country

Citizenship

Mailing Address 2107 Fairway Drive

Bozeman

State

MT

ZIP 59715

Country US

NAME OF SECOND INVENTOR:



A petition has been filed for this unsigned inventor

Denise Carol

Given Name

(first and middle [if any])

Manker

Family Name
or SurnameInventor's
Signature

Date

Davis

State

US

US

Residence: City

Country

Citizenship

Mailing Address 3037 Prado Lane

Davis

State

CA

ZIP 95616

Country US

City

Additional inventors are being named on the 2 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: Customer Number
or Bar Code Label OR Correspondence address below

Name Michelle L. Samonek

Address McDonough Holland & Allen PC
555 Capitol Mall, 9th Floor

City Sacramento	State CA	ZIP 95814
---	--	---

Country US	Telephone (916) 444-3900	Fax (916) 444-8334
--	--	--

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR : A petition has been filed for this unsigned inventor

Given Name Gary A.	Family Name or Surname Strobel
--	--

Inventor's Signature 	Date 8/7/03
--	---

Residence: City Bozeman	State MT	Country US	Citizenship US
---	--	--	--

Mailing Address 2107 Fairway Drive

City Bozeman	State MT	ZIP 59715	Country US
--	--	---	--

NAME OF SECOND INVENTOR: A petition has been filed for this unsigned inventor

Given Name Denise Carol	Family Name or Surname Manker
---	---

Inventor's Signature 	Date 8/7/03
--	---

Residence: City Davis	State CA	Country US	Citizenship US
---	--	--	--

Mailing Address 3037 Prado Lane

City Davis	State CA	ZIP 95616	Country US
--	--	---	--

Additional inventors are being named on the 2 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

O I P F JC109
14 2003
TRADEMARK

DECLARATION**ADDITIONAL INVENTOR(S)**

Supplemental Sheet

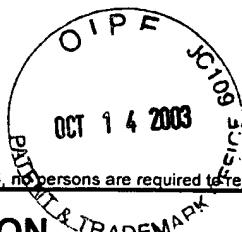
Page 1 of 2

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Julien		Mercier	
Inventor's Signature <i>Julien Mercier</i>		Date 08/11/03	
Residence: City Berkeley		State CA	Country US
		Citizenship Canada	
Mailing Address 1719 McGee Avenue			
Mailing Address			
City Berkeley		State CA	Zip 94703
		Country US	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Jorge		Jimenez	
Inventor's Signature <i>Jorge Jimenez</i>		Date 8/7/2003	
Residence: City Sacramento		State CA	Country US
		Citizenship Panama	
Mailing Address 2326 V Street, #4			
Mailing Address			
City Sacramento		State CA	Zip 95818
		Country US	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
John		Lin	
Inventor's Signature <i>John Lin</i>		Date 8/11/03	
Residence: City Sacramento		State CA	Country US
		Citizenship US	
Mailing Address 271 Lyman Circle			
Mailing Address			
City Sacramento		State CA	Zip 95835
		Country US	

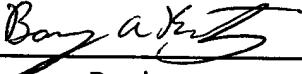
This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page <u>2</u> of <u>2</u>	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Jonathan		Thurston	
Inventor's Signature 		Date 8/11/03	
Residence: City Sacramento	State CA	Country US	Citizenship US
Mailing Address 2431 L Street			
Mailing Address			
City Sacramento	State CA	Zip 95816	Country US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Barry		Kersting	
Inventor's Signature 		Date 8/11/03	
Residence: City Davis	State CA	Country US	Citizenship US
Mailing Address 4005 Cowell Boulevard, Apt. 708			
Mailing Address			
City Davis	State CA	Zip 95616	Country US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

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